

## **Minutes: Leesburg Planning Commission March 1, 2001**

The Leesburg Planning Commission met on Thursday, March 1, 2001 at 7:00 p.m. in Council Chambers at 25 West Market Street, Leesburg, VA. Members present for this meeting were: Chairman C. Vaughan, C. Cable, D. Kennedy, W. Zawacki, L. Werner, L. Schonberger and Councilmember K. Umstattd. Staff members present were: Mike Tompkins, Lee Phillips, Randy Hodgson and Jennifer Moore

### **MINUTES:**

February 15, 2001 – The Commission had many changes and did not want to move forward with the minutes at this time.

### **PETITIONERS:**

Mr. Hubbard Turner came forward to speak. Mr. Turner stated that he would like a brief clarification from the Planning Commission on what the Planning Commission's last involvement was with Bradfield Drive. Chairman Vaughan recommended that Mr. Turner speak with staff to find out what is happening.

Mr. Turner stated that he spoke with Mr. Phillips; however, he wanted to get a feel for what the Planning Commission intended to do with Bradfield Drive. Again, Chairman Vaughan suggested that Mr. Turner speak with staff.

Mr. Tompkins stated that the Commission is not directly involved with the matter that is before Council regarding Bradfield Drive. He stated that he would be happy to speak with Mr. Turner regarding the history of that issue.

### **COUNCILMANIC REPORT:**

Councilmember Umstattd stated that there was a request from Peterson and Companies to withdraw the Leesburg Commons application without prejudice. She stated that Council would vote on that on March 13, 2001.

### **PUBLIC HEARING:**

None

**SUBDIVISION AND LAND DEVELOPMENT PLAN:**

**Airport Commerce Park, Phase I** – Mr. Nick Colonna came forward to speak. Mr. Colonna stated that this is an application for a 35,000 square foot plus office building by the National Institute for Automotive Service Excellence. He stated that the proposed use is consistent with the allowable uses of the I-1 district and have met all requirements of the Town.

Mr. Colonna stated that in the draft motion there is a reference to a letter from the applicant dated February 23, 2001 and that should be corrected to February 26, 2001.

Mr. Robert Sevila, representative for the applicant came forward to speak.

Mr. Sevila stated that he wanted to thank the Town Council, Planning Commission and staff for the effort that was made on behalf of the Leesburg Commons application.

Mr. Sevila stated that he would now like to speak to the application before the Commission. He proceeded to explain the application to the Commission.

Mr. Sevila stated that the applicants are meeting the conditions imposed by staff and the only other issue to be addressed is to set the cash amount in lieu of a performance bond for the transportation proffer.

Commissioner Zawacki stated that he is concerned that the turn lanes are too close together. Mr. Sevila stated that the Engineer for the applicant has informed him that that would not be the case.

Commissioner Kennedy made a motion to approve the application as submitted.

Motion: Kennedy  
Second: Cable  
Carried: 6-0

Commissioner Schonberger added the change in the date of the memo from February 23<sup>rd</sup> to February 26, 2001 as requested by staff. Commissioner Kennedy accepted the change.

**Leesburg Airpark, Lot D:** Mr. Colonna stated that the application is in approval form and was accepted by the Planning Commission at it's December 27, 2000 public hearing. He stated that the proposal is for two, three story commercial buildings on Lot D in the Airpark.

Commissioner Cable stated that at their last meeting the Commission voted to recommend approval of Proffer Nine which is associated with percentages of the types of permitted uses and that has not been approved by the Town Council. She asked if

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the approval of this application is based on Proffer Nine as it stands now. Mr. Colonna stated that it does.

Commissioner Zawacki asked if this would affect the alignment of the entrance on Sycolin Road, which is not approved by the Town Council. Mr. Phillips stated that staff believes that the Council will act on the Proffer amendment, however if the Commission is uncomfortable acting tonight then staff would request to defer the application.

Mr. Phillips stated that if the Commission would like to act on the application, staff could change the conditions of approval and make the approval conditioned to the Town Council acting on the Proffer.

Councilmember Umstattd asked if the item could be deferred or if the Town was up against the 90-day limit. Mr. Phillips stated that the Town has reached the 90-day limit, but could ask the application for an extension of time.

Mr. Jack Williams, representative for the applicant came forward to speak. Mr. Williams stated that the applicants want Miller Drive to align with Tavistock Drive. He stated that there is no place else that it could be placed.

Commissioner Cable stated that she believes that the Commission is setting a very uncomfortable precedent to accept and take action on applications that are not in conformance with a pending amendment to a Proffer that is currently under review by the Town Council.

Commissioner Schonberger stated that if the concern is that the applicant would not comply with Proffer Seven, he would recommend that a condition be added to the motion that the entrance from the site to Sycolin Road would be in conformance with the Proffers, then whatever those proffers are, the applicant is going to be bound to be in compliance with them.

Mr. Phillips stated that he has revised the motion to include the wording: "that the application meet Proffer Seven of the rezoning application number ZM-58".

Commissioner Werner made a motion to approve the application as amended.

Motion: Werner  
Second: Kennedy  
Carried: 5-1 with Cable voting Nay

### **ZONING ITEMS**

None

### **COMPREHENSIVE PLANNING ITEMS:**

**SE 2000-09 St. John the Apostle Parish** – Mr. Hodgson stated that this application was before the Commission in December, however the application was on hold until the applicant could provide more information and file an application including the day care center currently in operation at the site.

Mr. Hodgson stated that the applicants are asking to erect a 1,500 square foot building, which is behind the Parish Hall, and to include additional area for cemetery use and move the location of the Church as well as include the day care facility. These are all of the changes being proposed to the Special Exception application of 1989.

Mr. Hodgson stated that in the original application the staff had recommended approval subject to six conditions, since that time the applicant has already met condition number one. Also with respect to the orientation of the building, staff would request that that be determined by the Board of Architectural Review.

Mr. Hodgson also noted that a copy of the traffic study had been sent to the Commission in their packets. Mr. Hodgson explained the study to the Commission.

Commissioner Werner asked where the sinkholes are on this site. Mr. Hodgson showed the Commission on an overhead. He explained that the sinkholes are the reason that the applicant is requesting that the Parish be moved from where it was shown originally.

Councilmember Umstattd asked if staff normally recommends hours of operation for preschools. Mr. Hodgson stated that the Commission did on the last preschool application before the Commission, which was the Trinity Lutheran Church.

Councilmember Umstattd asked Father Brooks if he was comfortable with the time limitation. He stated that he was not.

Mr. Hodgson stated that if the preschool starts at 8:45 a.m. he would recommend 8:00 a.m. to 3:00 p.m.

Mr. Bill Atwill, Counsel for St. John's came forward to speak. Mr. Atwill asked that the Commission give the Church some flexibility because they do intend to grow to 60 students per day. Mr. Atwill stated that realistically he would like the Commission to look at the hours of operation being 8:00 a.m. to 6:00 p.m.

Commissioner Werner stated that she is not comfortable not listing the hours of operation.

Mr. Atwill asked that the language regarding the day care facility meeting all state and federal requirements be changed. He stated that if the day care facility certificate got pulled by the state he wants that to be the "triggering event" to pull back that part of

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the special exception so that it does not interfere with the other part of the special exception.

Commissioner Schonberger asked why the two issues were not separated into two applications one for the childcare and one for the special exception. Mr. Atwill stated that there was discussion about that, however they were concerned that if they did that they would lose valuable time regarding this project.

Mr. Hodgson stated that he is adding an eighth condition to state, "the additional cemetery area shown on the site plan dated February 5, 2001 will be landscaped in a manner similar to the existing cemetery."

There was a five-minute recess at this time.

When the meeting convened, Mr. Hodgson stated that staff would like to add the eighth condition which would read, "the additional cemetery area shown on the site plan dated February 5, 2001 will be landscaped in a manner similar to the existing cemetery", and would like to reword condition number five to read "St. John the Apostle Parish shall continuously maintain a valid letter of exemption pursuant to 63.1-196.3 of the Code of Virginia".

Mr. Hodgson also stated that staff had changed the hours of operation to 8:00 a.m. until 6:00 p.m.

Mr. Kennedy made a motion to approve the application with the amendments made by staff.

Motion: Kennedy

Second: Werner

Carried: 6-0

### **OLD AND NEW BUSINESS:**

Commissioner Kennedy stated that he was saddened by Commissioner Glikas' resignation. He stated that he is going to miss his experience and his knowledge and he would be greatly missed by the Commission.

Commissioner Kennedy would also like the Commission to come to a decision on how to recognize past members for their service to the Town.

Councilmember Umstattd stated that she would echo the comments of Councilmember Jackson, that the Commission is losing 10 years of experience and a very decent, honest, hardworking and thoughtful member of the Commission. She stated that she is very saddened by the resignation.

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Commissioner Schonberger stated that the Council should refuse to accept the resignation. He believes that there is something terribly wrong.

Commissioner Zawacki stated that he is also very saddened; he had been looking forward to working with him on the Commission.

There being no further business, the Commission adjourned at 9:10 p.m.